



## **BURR RIDGE SUBDIVISION ORDINANCE**

### **SECTION I PURPOSE AND JURISDICTION**

#### **A. Purpose**

Because each new subdivision accepted by the Village becomes a permanent unit in the basic physical structure of the future community, and to which the future community will, of necessity, be forced to adhere, all subdivisions hereafter planned within the jurisdictional boundaries established herein, shall, in all respects, be in full compliance with the regulations hereinafter contained in this ordinance. These regulations are designed to provide for the orderly and harmonious development of the Village, for the coordination of streets within new subdivisions with other existing or planned streets, to secure a uniform system of utilities and services, to guide, regulate and control the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the Village, and otherwise to promote realization of the Comprehensive Plan. In particular, the Subdivision Ordinance of the Village of Burr Ridge is for:

- (a) implementation of the Village of Burr Ridge Comprehensive Plan;
- (b) establishing reasonable standards of design for subdivisions and for resubdivision of unimproved land and of areas subject to redevelopment;
- (c) establishing reasonable requirements governing the location, width, course, and surfacing of public streets, highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, storm water drainage, water supply and distribution, and sanitary sewers and sewage collection and treatment;
- (d) establishing procedures for approval and recording of plats;
- (e) imposition of costs, expenses, and fees of reviewing and processing plats; and
- (f) providing for enforcement and for imposition of penalties for violations in accordance with authority vested in the municipality under the provisions of the applicable Statutes of the State of Illinois, be and hereby is adopted as part of the Comprehensive Plan of the Village of Burr Ridge as follows:



**B. Jurisdiction**

1. Extraterritorial Jurisdiction

The Subdivision Ordinance of the Village of Burr Ridge is applicable to lands situated within the corporate limits and contiguous areas lying within one and one-half miles beyond the corporate limits and not included in any municipality.

2. Exemptions for Certain Land Divisions

- a. As per this Ordinance and the Illinois Plat Act, No. 765 ILCS 205/1 et. seq., the following shall not be considered a subdivision and shall be exempt from the requirements of this Ordinance:
  - i. the division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;
  - ii. the division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access;
  - iii. the sale or exchange of parcels of land between separate owners of adjoining and contiguous land, but not including adjoining and contiguous lots or parcels under single ownership (the term "owners" and the term "single ownership" shall include all situations where the ownership interest, and/or any beneficial interest in a land trust, are held by the same individual(s), including any situation where adjoining and contiguous lots are held by either individual(s), and/or land trust(s) with the same beneficial interest holders, and/or by a corporation where the owner(s) of adjoining and contiguous land [either as an individual(s) and/or as the holder of a beneficial interest in a land trust] have a majority stock interest in said corporation)."
  - iv. the conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
  - v. the conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
  - vi. the conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
  - vii. conveyances made to correct descriptions in prior conveyances;



- viii. the sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access; and
  - ix. the sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and not involving any new streets or easements of access. (Amended by Ord. A-894-01-03)
- b. For purposes of determining the meaning of any of the exemptions provided for herein, in order to protect and promote the public health, safety and welfare such exemptions shall be strictly construed in favor of requiring subdivision or resubdivision under this Ordinance. Further, the term "lot" shall not be construed to mean the same as "parcel" or "tract", it being the intention that if a lot is in common ownership with adjoining and contiguous land (regardless of whether such adjoining land is a recorded lot), that such lot and adjoining and contiguous land shall constitute a single "parcel" or "tract" of land as those terms are used in the above exemptions.
- c. A property owner seeking an exemption under the terms herein described shall submit a written opinion to the Community Development Director describing which of the above exemptions apply to the proposed land division along with a graphic depiction of the proposed land division, a Plat of Survey depicting existing conditions of the property, and a tract search for the property. The Community Development Director shall provide a written response indicating if the land division is subject to the Subdivision Ordinance or is exempt.

#### **C. Validity**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

#### **D. Repeal of Conflicting Ordinances**

All Ordinances or parts in conflict with the provisions of this ordinance are hereby repealed.